

REPLY

Serial No. 08/480,472
Atty. Docket No. GP034-03.DV1Remarks

This Supplemental Reply is being submitted after Applicants' Reply dated January 28, 2003 and in further response to the Examiner's Office Action mailed on August 28, 2002.

Claims 39-42, 48-51, 54-56, 67-73, 75, 78-80, 82-84, 86, 88-90, 92, 93 and 95, 96, 98-162, 164-174 and 176-231 are presently pending in the subject application.

Reconsideration and allowance in view of the above amendments and the following remarks are respectfully requested.

Claim 163 has been canceled herein solely because claims 159 and 163 contain identical language after Applicants' Reply dated January 28, 2003.

Claims 69-71, 80, 86, 90, 151 and 152 have been amended herein so that the language of these claims is consistent with the claims from which they depend. Specifically, the nucleotide base sequences of the claimed hybridization probes and primer oligonucleotides in the amended claims are characterized in terms of the sequences to which they hybridize.

Claims 180-231 are newly added and depend from claims 39-42, 73, 75, 79, 84, 89, 96, 98, 100, 101, 143, 158-160, 162-164, 166, 167, 173 and 176-179. These new claims are being introduced to further limit the oligonucleotides of the claims from which they depend.

In accordance with the provisions set forth in 37 C.F.R. § 1.121, a marked-up version of the amendments to the claims is attached hereto.

Conclusion

Applicants maintain that the subject application is in condition for allowance and Notice to the effect is respectfully requested.

Please charge any fees due in connection with this Reply, including the excess claims fee due under 37 C.F.R. § 1.16(c), to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

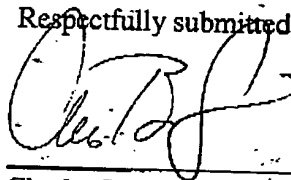
REPLY

Serial No. 08/480,472
Atty. Docket No. GP034-03.DV1

Certificate of Transmission

I hereby certify that this correspondence (and any referred to as attached) is being sent by facsimile to 703-872-9306 on the date indicated below to the Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,



Dated: February 7, 2003

By:

Charles B. Cappellari
Registration No. 40,937
Attorney for Applicants

GEN-PROBE INCORPORATED
Patent Department
10210 Genetic Center Drive
San Diego, California 92121
PH: (858) 410-8927
FAX: (858) 410-8928

REPLY

Serial No. 08/480,472
Atty. Docket No. GP034-03.DV1Marked-Up Version of AmendmentsIN THE CLAIMS:

The claims have been amended as follows:

69. (Four Times Amended) The primer oligonucleotide of claim 67, wherein said primer oligonucleotide [comprising the] comprises a nucleotide base sequence [of SEQ ID NO: 22 or a sequence] of the same length and fully complementary [thereto] to the nucleotide base sequence of said region.

70. (Five Times Amended) The primer oligonucleotide of claim 67, wherein the nucleotide base sequence of said primer oligonucleotide consists [of or is contained within the nucleotide base sequence of SEQ ID NO: 22 or a sequence] of a nucleotide base sequence of the same length and fully complementary [thereto] to the nucleotide base sequence of said region and optionally, a sequence recognized by an RNA polymerase.

71. (Three Times Amended) The primer oligonucleotide of claim 67, further comprising a [nucleotide base] sequence [which is] recognized by an RNA polymerase [which initiates transcription].

80. (Four Times Amended) The composition of claim 79, wherein said probe comprises [the] a nucleotide base sequence [of SEQ ID NO: 8 or a sequence] of the same length and fully complementary [thereto] to the nucleotide base sequence of said third region.

REPLY

Serial No. 08/480,472
Atty. Docket No. GP034-03.DV1

86. (Three Times Amended) The composition of claim 84, wherein:
said first primer oligonucleotide comprises [the] a nucleotide base sequence of [SEQ ID NO: 22] the same length and fully complementary to the nucleotide base sequence of said first region; and

wherein said second primer oligonucleotide comprises [the] a nucleotide base sequence of [SEQ ID NO: 2] the same length and fully complementary to the nucleotide base sequence of said second region.

90. (Three Times Amended) The composition of claim 89, wherein:
said first primer oligonucleotide comprises a nucleotide base sequence of the same length and fully complementary to the nucleotide base sequence of said first region;

said second primer oligonucleotide comprises a nucleotide base sequence of the same length and fully complementary to the nucleotide base sequence of said second region; and

said probe comprises [the] a nucleotide base sequence [of SEQ ID NO: 3 or a sequence] of the same length and fully complementary [thereto] to the nucleotide base sequence of said third region.

151. (Four Times Amended) The primer oligonucleotide of claim 147, wherein said primer oligonucleotide comprises [the] a nucleotide base sequence [of SEQ ID NO: 23 or a sequence] of the same length and fully complementary [thereto] to the nucleotide base sequence of said region.

152. (Four Times Amended) The primer oligonucleotide of claim 147, wherein the nucleotide base sequence of said primer oligonucleotide [consists of or is contained within the nucleotide base sequence of SEQ ID NO: 23 or a sequence] is of the same length and fully complementary [thereto] to the nucleotide base sequence of said region.